

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

Pagany II
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FILE: B-218935 **DATE:** May 30, 1985
MATTER OF: Communications Technology Applications,
Inc.

DIGEST:

There is no statutory or regulatory requirement that agencies conducting negotiated procurements request and evaluate technical proposals.

Communications Technology Applications, Inc. (CTA) protests the award by the Defense Logistics Agency (DLA) to Future Enterprises of a contract for computer training services under request for proposals (RFP) No. DLA410-85-R-6802. CTA argues that DLA improperly awarded the contract on the basis of the offered prices contained in the initial proposals without requesting technical proposals and without discussions.

We dismiss the protest.

The RFP contained a detailed purchase description of the computer training services, and requested that offerors submit a single fixed price for furnishing the services in accordance with the statement of work. The solicitation did not contain technical evaluation criteria nor did it require offerors to submit a technical proposal describing the services to be offered. The solicitation also included the clause prescribed by the Federal Acquisition Regulation, 48 C.F.R. § 52.215-16 (1984), that provides in part that:

"The Government may award a contract on the basis of initial offers received, without discussions. Therefore, each initial offer should contain the offeror's best terms from a cost or price and technical standpoint."

Thirty-two offers were received by DLA and award was made to Future as the low offeror.

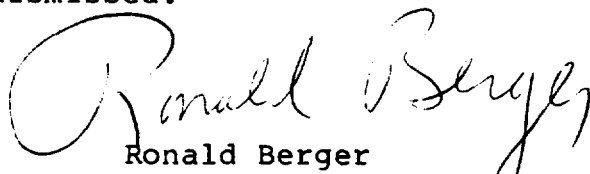
CTA apparently contends that it was improper for DLA to conduct this negotiated procurement without requesting technical proposals. However, as noted above, the RFP did not require the submission of technical proposals nor did it provide for the evaluation of such proposals. There is no

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requirement either in statute or regulation that mandates that agencies conducting negotiated procurements request and evaluate separate technical proposals. Security and Fire Equipment Corp., B-217232, Mar. 6, 1985, 85-1 C.P.D. ¶ 278. By signing the signature block in the RFP and filling in the blank provided for the price of the services, the low offeror expressed its intent to bind itself to furnish the services described in the proposal, and that offer, upon acceptance, became a binding agreement. Id. Thus, there was no requirement for DLA to request and evaluate separate technical proposals in making an award to Future.

CTA apparently also objects to the lack of discussions following receipt of initial proposals. In negotiated procurements, discussions are generally required with offerors within the competitive range except in certain specific situations. For example, under the law applicable to this case, an award could be made without discussions if there was adequate competition to ensure a fair and reasonable price and the solicitation advised offerors of the possibility that an award might be made without discussions. Centurion Films, Inc., B-205570, Mar. 25, 1982, 82-1 C.P.D. ¶ 285. Since the solicitation warned offerors of the possibility of an award on the basis of initial proposals without discussions, we find no basis to object to the contracting officer's decision to award on the basis of initial proposals. See Shapell Government Housing, Inc. and Goldrich and Kest, Inc., 55 Comp. Gen. 839 (1976), 76-1 C.P.D. ¶ 161.

The protest is dismissed.



Ronald Berger
Deputy Associate General Counsel